



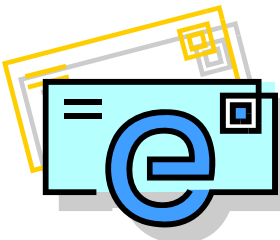
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Bounce Backs: The Growing Problem of Undelivered Notices of Electronic Filing



The first bounce back occurred the day a Pony Express rider tried to deliver a letter to someone who had moved.

Today, in the electronic world bounce backs occur when an email or in this case, a notice of electronic filing (NEF), is sent from the court's computer and it is not accepted by the recipient's computer. There are a number of reasons why bounce backs occur. The most common reasons are:

1. Recipient's inbox is full
2. Recipient's computer or server identifies the email (NEF) as spam
3. Recipient's email address has changed

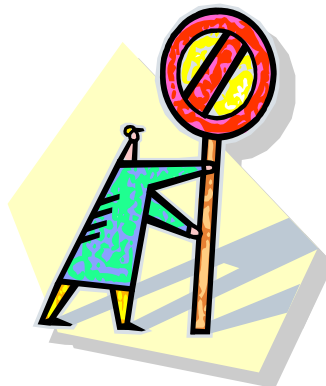
When email is returned to the court undelivered, it is reviewed by court staff. If the email cannot be sent a second time, a Notice of Non-Compliance is entered on the docket and a copy is mailed to the offending attorney. Repeated bounce backs and Notices of Non-Compliance can lead to court sanctions.

In addition to the problems that an attorney can experience by not receiving notifications from the court, some Internet Service Providers (ISP's) are now flagging excessive bounce backs that originate from the same source (such as the court) as spam. If this occurs, all email originating from the source (again the court) is blocked from delivery to **all attorneys associated with that specific ISP**. As you can imagine, this could be a major problem.

What can you do to keep bounce backs at a minimum?

1. Follow the Electronic Filing Policies and Procedures and notify the court if your email address changes.
2. Never mark mail from the Court as spam. If you are no longer working on a case but are continuing to get emails on that case, file a Notice of Withdrawal. If your party has been terminated from the case and you no longer wish to get the NEFs, view the article in this Newsletter about the new text only entry you can use to turn off notices in specific cases.
3. Keep your inbox cleared out. Most email providers have a limited amount of space that can be used to store your email. Be sure to find out what that limit is and keep your inbox space usage under it.

The issue of bounce backs is an important one that requires the diligence of all e-filing users.



How to Stop Receiving NEF's Associated With Parties No Longer Involved In Litigation

Often attorneys who represented parties no longer involved in a case continue to receive electronic notices of case activity. A new event in the CM/ECF system has been created called "Discontinue NEFs." The new event allows an attorney to notify the court to stop sending case activity notices. The new event is easy to use and does not require you to prepare or upload a document. See next page for directions on using this new event.



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Procedure To Discontinue NEF's

1. After logging into the system and selecting either civil or criminal, click "other documents."
2. From the drop down menu select Discontinue NEFs. Click [Next].

ECF Civil • Criminal

Other Documents

Discontinue NEFs

Next Clear



3. Enter the case number. Click [Next].

ECF Civil • Criminal

Other Documents

Case Number

2-05-cv-60002 99-12345, 1:99-cv-12345, 1-99-cv-12345, 99c

Next Clear

4. Select the attorney who no longer wishes to receive notices of electronic filing in this case. You may only select the attorney that is logged into the e-filing system. Click [Next].

ECF Civil • Criminal • Query • Reports • Utilities • Logout

Other Documents

2-05-cv-60002-NGE-WC Dynamic Corporation v. AAA Products, Incorporated

You may only select your name from the list of the attorneys to terminate. **DO NOT** attempt to terminate another attorney from this case.

Select the attorney or attorneys no longer associated with the case.

Adams, Chris B. representing Dynamic Corporation (Plaintiff)
Davis, Morgan E. representing Dynamic Corporation (Plaintiff)
Longstocking, Beatrice representing AAA Products, Incorporated (Defendant)

Next Clear



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5. Enter the reason for discontinuing the receipt of NEFs. Click [Next].

ECF Civil Criminal Query Reports

Other Documents

2:05-cv-60002-NGE-WC Dynamic Corporation v. AAA Products, Incorporated

If applicable, please describe the reason you are discontinuing the receipt of NEFs.

Next Clear

6. Review final screen and click [Next].

ECF Civil Criminal Query Reports Utilities

Other Documents

2:05-cv-60002-NGE-WC Dynamic Corporation v. AAA Products, Incorporated

Docket Text: Modify as Appropriate.

Attorney Chris B Adams is discontinued from receiving Notices of Electronic Filing. (Adams, Chris)

Next Clear

7. An entry will be made on the docket documenting that notices for that attorney have been discontinued.

07/10/2007		Attorney Chris B Adams is discontinued from receiving Notices of Electronic Filing. (Adams, Chris) (Entered: 07/10/2007)
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CAUTION: Once you have filed this event, the attorney will no longer receive notices in this case. If you need to have the notices activated again, you will need to contact the help desk at 313-234-5042.

Transcripts Don't get a "Free Look"

Judicial Conference policy has been updated regarding transcripts. Although you will receive an NEF of court transcripts, the image will not be available on-line. You may order a copy of the transcript from the court reporter, or you can view the transcripts at the courthouse.



PACER Service Center Great Resource

The PACER Service Center is available to assist e-filing users. The service center offers the following services:

1. Answers general questions regarding e-filing.
2. Makes recommendations related to setting up an "e-filing ready" office.
3. Assists with the installation of software needed to e-file, as well as browser or connection issues.

The PACER Service Center can be reached at 1-800-676-6856 or www.pacer.uscourts.gov.



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Court Institutes Disciplinary Policy

E-Filing Errors and/or Non-Compliance with the E-Filing Policies & Procedures

With each e-filing error or instance of non-compliance, a Notice of E-Filing Error or Notice of Non-Compliance will be generated and served on the e-filer, opposing counsel and the judge's chambers.

Disciplinary action will begin with a combined threshold of three occurrences of e-filing errors, non-compliance or a combination of the two. The threshold will be met whether three violations occur in a single case or a single violation occurs in three different cases.

With the first and second violation, the offending e-filer will receive a Notice of E-filing Error or Non-Compliance that will identify the entry containing the mistake and the course of action that should be taken. The notice will caution the offending e-filer that sanctions may be result from repeated errors and/or instances of non-compliance. After the third violation, the offending e-filer will be contacted in writing by CM/ECF Help Desk personnel and instructed to complete the on-line training modules within 21 business days of the notification date. Failure to complete the training within the specified time-period will result in the matter being referred to the Chief Judge or his designee for further action within 30 days. Such action may include:

- an informal contact directing completion of the online training course
- the issuance of an order to show cause
- other remedial action deemed appropriate

Upon the fourth violation, e-filing privileges will be suspended and the offending e-filer will be required to complete additional CM/ECF training in person at the courthouse before the suspension may be lifted. During the suspension, the offending e-filer will be required to seek



leave of Court to temporarily file paper documents. The motion shall be submitted to the Chief Judge or his designee for approval in person by the offending e-filer. E-Filing privileges will be restored upon completion of the training.

If a fifth violation occurs, an order to show cause will be issued directing the offending e-filer to explain why the offending conduct is not grounds for contempt of court. If held in contempt, an appropriate monetary fine will be imposed.

E-Filing in Paper Without Leave of Court

Registered attorneys who file paper documents without leave of this Court will be issued an order to show cause to explain why approval was not sought. Absent just cause being shown, an appropriate monetary fine will be imposed.

Failure to Register for Electronic Filing

An attorney who is admitted to practice before this Court, and has an active case or cases, but has not registered for electronic filing will be issued an order to show cause to explain why he/she has not registered for electronic filing. Absent just cause being shown, an appropriate monetary fine will be imposed.

Newly Admitted Attorneys

Newly admitted attorneys, who have a pending case at the time of admission, have up to two weeks from their admission date to register and otherwise comply with this Court's E-Filing Policies & Procedures. Attorneys who do not have any active case pending at the time of admission are not required to register until such time as the attorney has appeared in an active case.



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Check List for Successful E-Filing

PREPARING THE DOCUMENT

- ☐ The document has an electronic signature ("s/ Attorney's Typed Name or /s/ Attorney's Typed Name")
- ☐ Personal identifiers such as social security numbers are not included in the document
- ☐ Any memorandum supporting or opposing a motion is combined in the same document
- ☐ A certificate of service is part of the document
- ☐ The document is not sealed

CREATING THE PDF DOCUMENT

- ☐ The document is converted to portable document format (PDF)
- ☐ Each PDF file is not more than 5MB in size
- ☐ The PDF file is formatted properly and is legible with no missing pages
- ☐ All pages are in order and right side up
- ☐ Proposed orders are NOT attached as exhibits

ELECTRONICALLY FILING THE DOCUMENT

- ☐ The name of the attorney logged into ECF matches the attorney's name on the electronic signature line
- ☐ The correct case number is entered and the court heading is verified as correct
- ☐ The most accurate or appropriate event is chosen to describe the document from the events provided
- ☐ If asked to create an association between the attorney and party, do so whenever appropriate **NOTE: Never remove the check from the "Notice" box**
- ☐ If filing a notice of appearance, a separate notice of appearance is filed for each attorney, using each attorney's personal ECF login and password
- ☐ If filing a multi-part motion, all the appropriate reliefs are selected
- ☐ Exhibits are attached to the main document as separate attachments
- ☐ An Index of Exhibits is provided when there are two or more exhibits
- ☐ Each exhibit is given an identifier and a brief narrative description



For comments and suggestions
regarding this newsletter email:
attyhelp@mied.uscourts.gov

